

**ORIGINAL**

Filed in U.S. Bankruptcy Court  
Newnan, Georgia

NOV 06 2006

By: W. Yvonne Evans, Clerk

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
NEWNAN DIVISION

IN RE:

JAMES ANTHONY NORSWORTHY,  
  
Debtor.

CASE NO. N05-15098-WHD

CHAPTER 13

ADAM M. GOODMAN,  
CHAPTER 13 TRUSTEE

Plaintiff,

ADVERSARY PROCEEDING  
NO. 06-1070

V.

SOUTHERN HORIZON BANK  
& WILLIE M. NORSWORTHY

Defendants,

**JOINT STATEMENT OF MATERIAL FACTS NOT IN DISPUTE**

Comes now, Adam M. Goodman, Standing Chapter 13 Trustee (the "Plaintiff") and Southern Horizon Bank (the "Defendant") and pursuant to BLR 7056-1, makes this Joint statement of material facts to which the parties agree there is no genuine issue to be tried.

1.

On November 23, 2005 (the "Petition date") James Anthony Norsworthy (the "Debtor") filed a petition under Chapter 13 of Title 11 of the United States Code thereby initiating case number N05-15098-WHD (the "Chapter 13 case").

2.

On the Petition Date, the Plaintiff was appointed Chapter 13 Trustee in the Chapter 13 case.

3.

The Debtor owns certain real property generally known as 152 Hamm Road, Jackson, Georgia 30233 (the "Property").

4.

Southern Horizon Bank ("SHB") holds a security interest in the Property pursuant to a Security Deed (the "Security Deed") dated December 30, 2004. The Security Deed was filed for recordation with the Clerk of the Superior Court of Butts County on November 21, 2005.

5.

The above referenced recordation of SHB's Security Deed occurred within 90 days of the petition date.

6.

The above referenced transfer was to and for the benefit of SHB to secure the debt which was incurred by Norsworthy and owed to SHB.


7.

At the time of the recordation of the Security Deed of SHB, the debtor was insolvent within the meaning of 11 U.S.C. Section 101(32)(A); that is, that the sum of the Debtor's debts was greater than all of the debtor's property, at a fair valuation, based on

the information disclosed in the debtor's sworn bankruptcy statements and schedules filed under penalty of perjury.

Respectfully submitted this 3<sup>rd</sup> day of November, 2006.

*By me or*  
Adam M. Goodman Express Rem  
Adam M. Goodman  
Standing Chapter 13 Trustee  
State Bar No. 300887

  
Mark C. Walker  
Georgia Bar No. 732360  
Attorney for Southern Horizon Bank


**SMITH, WELCH & BRITTAIN**  
280 Country Club Drive  
Suite 200  
Stockbridge, GA 30281  
770-389-4864

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the within and foregoing Joint Statement of Material Facts Not in Dispute upon the all parties by depositing a copy of said pleading in the United States Mail with sufficient postage attached, addressed as follows:

Adam M. Goodman  
Chapter 13 Trustee  
260 Peachtree Street, N.W.  
Atlanta GA 30303

This 3<sup>rd</sup> day of November, 2006.

  
\_\_\_\_\_  
Mark C. Walker  
Georgia Bar No. 732360  
Attorney for Southern Horizon Bank

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